

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:

ETHAN O. KENNEDY, D.O.
Holder of License No. 3123 for the
practice of osteopathic medicine
in the State of Arizona.

Case No: 3290

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER OF
CENSURE AND PROBATION**

On December 22, 2003, the AZ Board of Osteopathic Examiners (hereinafter "Board") notified Ethan Kennedy, D.O., (hereinafter "Respondent") of case number 3290, an investigation into his medical practice. On January 7, 2004, Respondent replied to that case through his attorney.

On April 9, 2004, Respondent was notified that the Board would conduct a Case Review of this case on May 8, 2004. On May 8, 2004, the Board conducted that review and voted to invite Respondent to an Investigative Hearing.

On May 17, 2004, Respondent was invited to participate in an Investigative Hearing on June 19, 2004. On June 19, 2004, Respondent appeared and the Board conducted the Investigative Hearing. After reviewing the documentation provided and hearing testimony, the Board vote to enter the following Findings of Fact, Conclusions of Law, and Order of Censure and Probation.

JURISDITIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 *et seq.* to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Ethan Kennedy, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 3123.

FINDINGS OF FACT

3. Respondent's medical records of treatment rendered prior to September 2003 demonstrated a pattern of incorrectly prescribing narcotics and other substances, putting patients in potential jeopardy.

4. Respondent's medical records of treatment rendered prior to September 2003 demonstrated a pattern of inadequacies in the histories and physicals, in that they did not contain pertinent information; for example, pain contracts.

CONCLUSIONS OF LAW

The conduct described in paragraphs 3 and 4 above constitutes unprofessional conduct as described in A.R.S. § 32-1854:

(5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes;

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the standards of the community;

(38) Prescribing or dispensing controlled substances or prescription-only medications without maintaining adequate and appropriate patient records; and

(40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

Ethan O. Kennedy, D.O. ("Respondent"), holder of license 3123, shall be on **CENSURED**, his current **PROBATION** (see case 3250) be continued and the following probationary terms be added:

1. Respondent shall attend 20 hours of continuing medical education (CME) on pain management and pain control within 12 months of this Order. The course or courses are to be approved by the Board's Executive Director prior to Respondent taking the course or courses. Courses taken to fulfill the terms of the probation shall not also be used toward fulfillment of Respondent's CME requirement for renewal of his AZ license.

2. Respondent shall make available the medical records of his patients, for the Board's periodic review to determine the adequacy of the medical histories and physicals.

ISSUED AND EFFECTIVE this 12th day of July, 2004.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Elaine LeTarte
Elaine LeTarte, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale AZ 85258
(480) 657-7703

Notice of Right to Request a Rehearing

The Respondent has the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Respondent must specify in detail and with particularity at least one of the seven grounds that apply to the request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a prerequisite prior to seeking judicial review pursuant to A.R.S. § 41-1092.09.

Served by U.S. certified mail
this 12th day of July, 2004 to:

Ethan Kennedy, D.O.
2040 N Woodruff
Mesa AZ 85207

Copy mailed this 12th day of

July 2004 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007